

Report Date: July 10, 2017

United States District Court

for the

Eastern District of Washington

Petition for Warrant or Summons for Offender Under Supervision

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JUL 11 2017

SEAN F. McAVOY, CLERK
DEPUTY
SPOKANE, WASHINGTON

Name of Offender: Russell Allen Clinger		Case Number: 0980 2:11CR00098-WFN-1
Address of Offender: Homeless, Spokane, Washington 99201		
Name of Sentencing Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge		
Date of Original Sentence: February 14, 2012		
Original Offense:	Failure to Register, 18 U.S.C. § 2250(a)	
Original Sentence:	Prison - 41 months TSR - 36 months	Type of Supervision: Supervised Release
Revocation Sentence 11/17/2015	Prison - 3 months TSR - 33 months	
Asst. U.S. Attorney:	Matthew F. Duggan	Date Supervision Commenced: February 15, 201
Defense Attorney:	Jill Gannon-Nagle	Date Supervision Expires: November 14, 2018

PETITIONING THE COURT

To incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 07/07/2016, 10/19/2016 and 11/22/2016 and to ISSUE A WARRANT

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number	Nature of Noncompliance
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6 **Standard Condition # 3:** The defendant shall answer truthfully all inquiries by the
 probation officer and follow the instructions of the probation officer.

Supporting Evidence: Mr. Clinger violated his conditions of supervised release in Spokane, Washington, by failing to report to the undersigned officer as directed on June 27, 28, and 30, 2017.

On February 16, 2017, Mr. Clinger's conditions of supervision were reviewed with him and he signed his conditions acknowledging an understanding of his conditions, to include standard condition number 3, as noted above.

Mr. Clinger failed to appear for a random urinalysis test at Alcohol Drug Education Prevention Treatment, Inc. (ADEPT) on June 23, 2017. On June 26, 2017, the undersigned contacted Mr. Clinger and advised him he failed to appear for a random urinalysis test at

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ADEPT on June 23, 2017. The undersigned officer directed him to report to the U.S. Probation Office and submit to testing on June 27, 2017. At approximately 9:03 a.m. on June 27, 2017, the undersigned officer sent Mr. Clinger a text message reminding him to report as directed. The offender failed to report.

Again on June 27, 2017, at approximately 4:46 p.m., Mr. Clinger had yet to report to the probation office as directed, and another attempt to contact Mr. Clinger by telephone was unsuccessful. A voice mail was left instructing him to report. Mr. Clinger did not report the following day, June 28, 2017.

On June 30, 2017, at approximately 9 a.m., another attempt to contact Mr. Clinger by telephone was unsuccessful and another voice mail was left instructing Mr. Clinger to report as directed. Mr. Clinger failed to report.

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Standard Condition # 6: The defendant shall notify the probation officer at least ten days prior to any change in residence or employment.

Supporting Evidence: Mr. Clinger violated his conditions of supervised release in Spokane, Washington, by failing to notify the undersigned officer of a change in employment.

On February 16, 2017, Mr. Clinger's conditions of supervision were reviewed with him and he signed his conditions acknowledging an understanding of his conditions, to include standard condition number 6, as noted above.

On June 26, 2017, the undersigned officer reached out to Mr. Clinger via text message directing him to report to the probation office as he had failed to appear for a random urinalysis test at ADEPT. Mr. Clinger told the undersigned officer he was at work near Deer Park, Washington, with limited cell phone service. The offender further stated he would be up in the Deer Park, Washington, area working for the remainder of the week. Throughout the week the undersigned officer attempted several times to get in contact with Mr. Clinger. Mr. Clinger finally contacted the undersigned officer at approximately 8:38 p.m. on Friday, June 30, 2017.

The offender reported to the U.S. Probation Office on July 5, 2017, and when questioned about the employer, he could not provide a name for the company he worked for other than it was a logging company out of Canada.

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Special Condition # 18: You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Clinger violated his conditions of supervised in Spokane, Washington, by failing to appear for random urinalysis testing on June 23, 2017, at ADEPT.

On February 16, 2017, Mr. Clinger's conditions of supervision were reviewed with him and he signed his conditions acknowledging an understanding of his conditions, to include special condition number 18, as noted above.

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Per Mr. Clinger's above referenced condition of supervised release he was referred to random urinalysis testing at ADEPT and was assigned the color gold 1, and directed to call ADEPT's urinalysis testing hotline daily. In the event ADEPT reported the color of the day was gold 1, he was directed to report to their office and submit to testing between the hours of 7 a.m. and 7 p.m.

On Friday, June 23, 2017, the color of the day for drug testing was gold 1. On June 26, 2017, the undersigned officer was notified by staff at ADEPT that Mr. Clinger had failed to appear for a random urinalysis test on June 23, 2017. In addition, Mr. Clinger was marked as a "no show" on the ADEPT urinalysis test roster.

On June 26, 2017, the undersigned contacted Mr. Clinger, advised him he failed to appear for a random urinalysis test at ADEPT on June 23, 2017, and directed him to report to the U.S. Probation Office and submit to testing. Mr. Clinger stated he was currently working in an area around Deer Park, Washington, with very limited cell phone reception. He was directed to report to U.S. Probation to submit to testing on June 27, 2017. He failed to report as directed. On July 5, 2017, Mr. Clinger made up the urinalysis test that he missed nearly 2 weeks prior, and it was positive for methamphetamine.

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Special Condition # 18: You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: On February 16, 2017, Mr. Clinger's conditions of supervision were reviewed with him and he signed his conditions acknowledging an understanding of his conditions, to include special condition number 18, as noted above

On July 5, 2017, Mr. Clinger reported to the U.S. Probation Office as directed and submitted to a random urinalysis test. The urine sample tested presumptive positive for methamphetamine. Mr. Clinger denied using illicit drugs. The urine sample was sent to Alere Toxicology for further testing. On July 10, 2017, the lab report was received from Alere Toxicology confirming a positive result for methamphetamine.

U.S. Probation respectfully recommends that the Court issue a warrant requiring Mr. Clinger to appear to answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: July 10, 2017

s/Corey M. McCain

Corey M. McCain
U.S. Probation Officer

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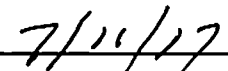
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THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☐ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer



Date